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**2220      *Citizenship or Alienage Requirement***

Each individual for whom application is made must be one of the following:

1. A United States citizen (native born or naturalized); or
2. An alien lawfully admitted for permanent residence prior to August 22, 1996; or
1. A qualified alien for whom federal law requires benefits under Title IV-A of the Social Security Act to be provided.
4. An alien who entered the United States on or after August 22, 1996 and has been in “qualified alien” status for at least five (5) years. (Note: For an alien who is granted qualified alien status due to being a battered alien, the five year period begins with the date of the prima facie case determination or the date the I-130 visa petition is approved.)

An alien lawfully admitted for permanent residence prior to August 22, 1996 under Item #2 above includes the following:

- ◆ A refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- ◆ An alien granted asylum under Section 208 of the INA;
- ◆ An alien who was paroled into the United States under Section 212(d)(5) of the INA for a period of at least one (1) year;
- ◆ An alien whose deportation is being withheld under Section 243(h) of the INA;
- ◆ An alien who was granted conditional entry pursuant to Section 203(a)(7) as in effect prior to April 1, 1980.

A qualified alien under Item #3 above is one who meets one of the following criteria:

- a. Was admitted to the United States less than five (5) years ago as a **refugee** under Section 207 of the Immigration and Nationality Act.
- b. Was granted **asylum** under Section 208 of the Immigration and Nationality Act less than five (5) years ago.
- c. Whose **deportation** is being withheld under Section 243(h) of the Immigration and Nationality Act and such withholding decision was made less than five (5) years ago.
- d. Has been admitted for **permanent residence** under the Immigration and Nationality Act and has worked forty (40) qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as follows:

- 1) All of the qualifying quarters of coverage worked by the alien's parent while the alien was under 18 years of age will be credited to the alien;
  - 2) All of the qualifying quarters of coverage worked by the alien's spouse during their marriage provided they are still married or the spouse is deceased.
  - 3) No qualifying quarter of coverage described above, beginning on or after January 1, 1997, worked by the alien, parent, or spouse) will be credited to the alien if the alien, parent, or spouse (as appropriate) received any Federal means-tested public benefit during the period for which the qualifying quarter of coverage is so credited.
- e. Is lawfully residing in the State and is (1) a **veteran** with an honorable discharge from the military; (2) on **active duty** (other than for training) in the Armed Forces of the United States; or (3) the **spouse or unmarried dependent child** of an individual described in (1) or (2).
- f. Has been certified as a **victim** of a severe form of **trafficking** under the Victims of Trafficking and Violence Protection Act of 2000 (PL 106-38).

A qualified alien under Item #4 above is one who meets one of the following criteria:

- ◆ An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- ◆ An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; and
- ◆ An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

## **2221      *Methods of Proving Citizenship or Alienage Status***

An declaration of citizenship will be accepted unless the County Office determines that the declaration is questionable in which case verification such as birth certificates or naturalization papers will be required.

The following documents may be used to verify alien status:

1. Refugee: INS Form I-94 annotated "Admitted as a refugee pursuant to Sec. 207 of the INA"; INS form I-688B or I-766 annotated "274a.12(a)(3)"; or Form I-571. Date of entry must be less than five (5) years from the current date.

**Eligibility Determination**

**TEA 2221-2222**

**Verification**

**Declaration of Citizenship**

**Verification**

**Declaration of Citizenship**

2. 2. Asylee: Form I-94 annotated "Asylum status granted pursuant to Sec. 208 of the INA"; a grant letter from the Asylum Office of the INS; Form I-688B or I-766

annotated “274a.12(a)(5)” or an order of an immigration judge granting asylum. (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date asylum was granted must be less than five (5) years from the current date.

3. Deportation Withheld: An immigration judge’s order showing deportation withheld under Sec. 243(h) and date of the grant; or Forms I-688B or I-766 annotated “274a.12(a)(10). (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date deportation was withheld must be less than five (5) years from the current date.
4. Lawfully Admitted for Permanent Residence: I-551 (Green Card); or, for recent arrivals, a temporary I-551 stamp on a foreign passport or on Form I-94.
5. Worked Forty (40) Qualifying Quarters of Coverage - SSA Query screen (WQRY) will be used to determine if an alien has 40 qualifying quarters of coverage, including credited quarters from his or her parent or spouse. Form SSA-3288, SSA Consent for Release of Information, must be signed by the person for whom quarter of coverage information is needed before making the inquiry. (If the person is deceased, no consent is needed.) Refer to the DCO User’s Manual for instructions on how to inquire to WQRY for this purpose.
6. Battered aliens: Form I-130 filed by alien's spouse or parent of the battered child, Form I-130 petition as a widow(er) of a U. S. citizen, an approved self-petition under Violence Against Women Act or an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
67. Honorable Discharge: A U.S. military discharge certificate (DD Form 214) that shows character of service as “Honorable” and does not show, in the narrative reason for discharge entry, that the discharge was based on alien status, lack of U.S. citizenship, or other “alienage” reason.
78. Active Duty Member of the Armed Forces: The green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).
- 8.9. Spouse or Dependent Child of Veteran or Active Duty: A marriage license or birth certificate verifying the individual’s relationship to the veteran or active duty military person along with the appropriate verification for honorable discharge or active duty.
- 9.8. 10. Trafficking Victim: A certification letter issued by the U.S. Department of Health and Human Services, Office of Refugee Resettlement, verifying the individual has been identified as a trafficking victim pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000.

**DEPARTMENT** of Human Services

**DIVISION** of County Operations

**PERSON COMPLETING THIS STATEMENT** Linda Greer, Assistant Director  
Office of Program Planning & Development

**TELEPHONE:** 682-8257

**FAX NO.** 682-1597

**FINANCIAL IMPACT STATEMENT**

**To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.**

**SHORT TITLE OF THIS RULE –**

TEA 2220, Citizenship and Alienage Requirement; TEA 2221, Methods of Proving Citizenship and Alienage Status.

**1. Does this proposed, amended, or repealed rule or regulation have a financial impact?**

Yes    X\*

No

\* We do not anticipate a significant monetary impact as we expect only a nominal increase in eligible alien recipients due to the implementation of this policy.

**2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.**

**3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.**

**4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?**

None

**5. What is the total estimated cost by fiscal year to the agency to implement this regulation?**

There are no implementation costs for this rule. The only expected costs are the grants these aliens could receive and, as stated above we expect only a nominal number of new eligibles.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH  
THE ARKANSAS LEGISLATION COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Department of Human Services

**DIVISION** of County Operations

**DIVISION DIRECTOR** Joni Jones

**CONTACT PERSON** Linda Greer, Assistant Director, OPPD

**ADDRESS** P.O. Box 1437, Office of Program Planning & Development

Slot S332, Little Rock, AR 72203

**PHONE NO.** (501) 682-8257

**FAX NO.** (501) 682-1597

**INSTRUCTIONS**

- A.** Please make copies of this form for future use.
- B.** Please answer each question completely using layman terms.
- C.** If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D.** Submit two (2) copies of your proposed rule and mail or deliver to:

**Donna K. Davis**

**Subcommittee on Administrative Rules and Regulations**

**Arkansas Legislative Council**

**Bureau of Legislative Research**

**Room 315, State Capitol**

**Little Rock, AR 72201**

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**1. What is the short title of this rule?**

TEA 2220, Citizenship or Alienage Requirement; TEA 2221, Methods of Proving  
Citizenship or Alienage Status.

**2. What is the subject of the proposed rule?**

To incorporate policy and procedures for determining eligibility of qualified alien status for  
battered aliens and victims of trafficking.

**3. Is this rule required to comply with federal statute or regulations? Yes X No**  
**If yes, please provide the federal regulations and/or statute citation.**

Personal Responsibility and Work Opportunity Act of 1996 (PL 104-193, Sections 402(b),  
403, 421, 435), Trafficking Victims Protection Act of 2000 (PL 106-386) and Arkansas Code  
20-76-401.

**4. Was this rule filed under the emergency provisions of the Administrative Procedure  
Act? Yes \_ No X**

**If yes, what is the effective date of the emergency rule?**

**When does the emergency rule expire?**

**Will the emergency rule be promulgated under the regular provisions of the  
Administrative Procedure Act? Yes No**

**Questionnaire**

**Page 2**

- 5. Is this a new rule? Yes \_\_\_\_\_ No X**

**Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.**

Under current rule, victims of trafficking and battered aliens are not identified as qualified aliens.

- 6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation.**

Arkansas Code 20-76-401

- 7. What is the purpose of this proposed rule? Why is it necessary?**

To incorporate policy and procedures regarding qualified alien status for victims of trafficking and battered aliens in compliance with federal law.

- 8. Will a public hearing be held on this proposed rule? Yes \_\_\_\_\_ No X If yes, please give date, time and place of public hearing?**

- 9. When does the public comment period expire?**

- 10. What is the proposed effective date of this proposed rule?**

- 11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No X**

- 12. Please give the names of persons, groups, or organizations which you expect to comment on these rules? Please provide their position (for or against) if known.**

None

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**July 25, 1995**